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1 BEFORE THE POLICE BOARD
2 OF THE CITY OF CHICAGO
3 IN THE MATTER OF CHARGES)
4 FILED AGAINST) Case No. 14PB2856
5 P.O. MAURICE ANDERSON.)

6 - DAY 11 -

7 CONTINUED REPORT OF THE VIDEOTAPED
8 PROCEEDINGS had at the hearing in the
9 above-entitled matter before Mr. Fredrick
10 Bates, Hearing Officer, at 30 North LaSalle
11 Street, Suite 1240, Chicago, Illinois, on
12 October 20, 2014, at the hour of 10:00 a.m.

13 - - - - -
14 APPEARANCES:

15 CITY OF CHICAGO
16 DEPARTMENT OF LAW
17 BY: MS. HILLINA T. TAMRAT
18 30 North LaSalle Street
19 Suite 1020
20 Chicago, Illinois 60602,

21 On behalf of the Superintendent;

22 MR. DANIEL Q. HERBERT and
23 MR. WILL FAHY,

24 On behalf of Respondent;

25 POLICE BOARD OF THE CITY OF CHICAGO
26 MR. MAX CAPRONI

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1 for the record.

2 MS. TAMRAT: Hillina Tamrat on behalf of
3 the Superintendent.

4 MR. HERBERT: And Dan Herbert on behalf of
5 Mr. Maurice Anderson.

6 HEARING OFFICER BATES: Okay. We've had a
7 number of issues since we had day one of this
8 trial back in July. Are we prepared to
9 proceed?

10 MR. HERBERT: We are. And just for the
11 record, it was discussed earlier that there was
12 potential conflict regarding my having a
13 telephone conversation and possible
14 representation of Ms. Lewis concerning a number
15 of issues, one of which included the issue
16 which is before the Board in this case. So
17 accordingly what we have done is I have agreed
18 with the parties, Ms. Lewis and Mr. Anderson,
19 that I will continue on the case and that the
20 cross-examination of Ms. Lewis will be
21 conducted by a lawyer who's not part of my
22 firm, Mr. Will Fahy.

23 HEARING OFFICER BATES: Housekeeping
24 matter. Mr. Fahy, have you filed an appearance

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13 HEARING OFFICER BATES: Good morning.

14 Calling the matter of Police Officer Maurice
15 Anderson, case number 14 BP 2856.

16 Would counsel identify themselves

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1 in this matter?

2 MR. FAHY: I have not.

3 HEARING OFFICER BATES: All right.

4 Unfortunately, we're going to have to take a
5 break. I should have thought about this when
6 we were off the record. I apologize. But we
7 will take a 60-second break so Mr. Fahy can
8 file an appearance form.

9 (Brief pause.)

10 HEARING OFFICER BATES: Mr. Fahy, I've
11 received your appearance in connection with
12 this matter, so you will be allowed for the
13 purposes which Mr. Herbert has identified. I
14 think that's a wise move.

15 Ms. Tamrat, I guess your case has
16 never rested so we are still in your case. We
17 just took a couple of witnesses out of order
18 for the Respondent. And you may call your next
19 witness.

20 MS. TAMRAT: The Superintendent would like
21 to call Officer Sharita Lewis.

22 HEARING OFFICER BATES: Would you swear the
23 witness, please.

24 (Witness was duly

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1 sworn.)
 2 SHARITA LEWIS,
 3 called as a witness herein, after having been
 4 first duly sworn, was examined and testified as
 5 follows:

DIRECT EXAMINATION

6
 7 BY MS. TAMRAT:
 8 Q. Good morning. If you could please
 9 state your full name and spell it for the
 10 record.
 11 A. Sharita Lewis. S-H-A-R-I-T-A.
 12 L-E-W-I-S.
 13 Q. And you are a police officer?
 14 A. I am.
 15 Q. How long have you been a police
 16 officer?
 17 A. Ten years.
 18 Q. What district are you currently
 19 assigned to?
 20 A. Unit 167.
 21 Q. And I want to direct your attention to
 22 October of 2008. During that time, were you
 23 married?
 24 A. I was.
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1 Q. And who were you married to?
 2 A. Mr. Anderson.
 3 Q. And is that Officer Maurice Anderson?
 4 A. Correct.
 5 HEARING OFFICER BATES: One second,
 6 Counsel.
 7 Officer Lewis, that's not a
 8 microphone. I need you to speak up. Okay?
 9 THE WITNESS: Yes.
 10 HEARING OFFICER BATES: Thank you.
 11 Proceed.
 12 BY MS. TAMRAT:
 13 Q. Are you still married to Officer
 14 Anderson?
 15 A. No, I'm not.
 16 Q. I'm going to direct your attention
 17 specifically to October 9th of 2008. What is
 18 the date October 9?
 19 A. It's the date -- it's my son's
 20 birthday. The date an incident occurred at my
 21 house.
 22 Q. Okay. And on October 9th of 2008, did
 23 you celebrate your son's birthday?
 24 A. We did.
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1 Q. And how many children do you have?
 2 A. Three.
 3 Q. And what are their ages?
 4 A. Jonathan is 15. Braydon is 12. And
 5 Lawson is eight.
 6 Q. Is Officer Anderson their father?
 7 A. No.
 8 Q. And did you say you celebrated your
 9 son's birthday at your residence?
 10 A. That's correct.
 11 Q. Is that 7654 South Reiger?
 12 A. Yes.
 13 Q. And was your ex-husband present at the
 14 house for the celebration?
 15 A. Yes.
 16 Q. Whose house is that?
 17 A. It's my house.
 18 Q. At around 8:00 p.m. of that day, 2008,
 19 on your son's birthday, around 8:00 p.m., was
 20 your husband at home, your ex-husband?
 21 A. Yes, he was there.
 22 Q. Were the children in the house?
 23 A. Yes, they were there.
 24 Q. After you celebrated your son's
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1 birthday at around 8:00 p.m., did you happen to
 2 go to the basement of your house?
 3 A. I did.
 4 Q. And what, if anything, did you notice
 5 when you went to the basement?
 6 A. I noticed the lights were out. It was
 7 dark down there. And Mr. Anderson was sitting
 8 on the couch on the phone in the dark.
 9 Q. Did you say anything to Mr. Anderson
 10 when you saw that?
 11 A. I did.
 12 Q. What did you say to him?
 13 A. Something to the effect I know you're
 14 not down here on the phone in the dark talking
 15 to someone else. Take your phone, your bags
 16 and your conversation and leave my house.
 17 Q. Once you said that to Officer
 18 Anderson, how did he respond?
 19 A. He told me -- whoever he was talking
 20 to that he'd call them back and he said I
 21 didn't know what the F I was talking about
 22 and get out of his face or something.
 23 Q. And what happened after that?
 24 A. He got up. I was standing there, and
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1 he got up to walk past me and he hit me with
2 such force with his body that I fell to the
3 ground.

Q. And once you fell to the ground what did you do?

A. I got up and started yelling at him and said why did you push me and he said he didn't push me.

Q. And what happened after that?

A. He hit me in my stomach.

Q. And was that with a fist?

A. Yes.

Q. What else happened?

A. I started screaming, you know, and the fight ensued. By then I was backed up against the wall, and he was choking me and had begun to hit me, you know, my face and my neck and he was choking me.

Q. And as he was hitting you on the face, and I think you said --

A. My neck.

Q. Choking you around the neck, did you do anything or try to do anything?

A. Yeah, I was screaming and trying to
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1 fight back. He was hitting me -- it was my
2 head, too, my head, too.

Q. You said you were screaming. Did you hear anything from any of your children?

A. I heard my baby. I was screaming for Jonathan to call the police and I heard him say let my mommy go, leave my mommy alone and he let me go.

Q. Is Jonathan your oldest?

A. Yeah. Yes.

Q. Now, this happened in the basement, right?

A. Correct. In the foyer of the basement.

Q. And where were the children during this time?

A. When I went downstairs, they were playing in the kitchen. It's an open floor plan, so it's right by the stairs of the basement.

Q. And the kitchen is on the main floor?

A. Correct.

Q. You said that when your son started screaming let my mommy go, he let you go?

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1 A. He released me.

2 Q. He released you?

3 A. Uh-huh.

4 Q. What did you do once he released you?

5 A. I ran up the stairs.

6 Q. Does that mean you went to the kitchen?

8 A. No, I ran -- it's an open-floor plan, so I ran straight which was by the fireplace.

10 Q. And then what did you do once you got to the fireplace?

12 A. Grabbed the fire poker, because I heard him coming up the stairs after me.

14 Q. You grabbed the fire poker, what did you do next?

16 A. Closed my eyes and started swinging.

17 Q. Do you know if you actually made contact?

19 A. If felt like I did.

20 Q. I'm sorry?

21 A. If felt like I did. My eyes were closed. I was just swinging.

23 Q. What happened after that?

24 A. I ran upstairs and my kids were
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1 upstairs by then. I ran upstairs and locked
2 myself in my bedroom with the kids and the
3 babysitter.

4 Q. Okay. So when you say kids, you're referring to all three of your kids?

6 A. Correct.

7 Q. You mentioned the babysitter.

8 A. Yes.

9 Q. She was in the house at that time?

10 A. Yes.

11 Q. Who was the babysitter?

12 A. Louise.

13 Q. Once you locked yourself in your bedroom with your children, did you hear anything from Officer Anderson?

16 A. Yes, he came up the stairs behind me and was banging on the door and saying he wanted to talk to me. I told him I was calling the police and I was calling the department.

20 Q. Once you told him you would call the police and the department, what, if anything, happened?

23 A. We heard this loud crash and like a bump. And we looked out the window, he had
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1 left.

2 Q. You said that you had screamed while
3 you were still in the basement to your son to
call the police?

4 A. Correct.

5 Q. Did you subsequently find out if he
6 had, indeed, called the police?

7 A. They were very upset, so they were
8 saying yes and -- yeah, they said they did.
9 They didn't know if they gave the right address
10 so I called back.

11 Q. Did you subsequently go downstairs to
12 the main floor?

13 A. I did.

14 Q. And when you went downstairs, did you
15 see anything?

16 A. The door was wide open and it was
17 broken glass from the candleholder.

18 Q. You said broken glass from the
19 candleholder?

20 A. Yes.

21 Q. Did the police arrive?

22 A. They did. After awhile they did.

23 Q. And did you tell them what happened?

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1 A. I did.

2 Q. And did an evidence technician also
3 arrive at some point?

4 A. Yes, shortly thereafter he did.

5 Q. Did the evidence technician take
6 pictures?

7 A. He did.

8 Q. Did he take pictures of the injuries
9 you had sustained?

10 A. He did.

11 Q. I'm going to hand the witness what has
12 already been entered into evidence as
13 Superintendent Exhibit No. 2.

14 HEARING OFFICER BATES: Group Exhibit 2.

15 MS. TAMRAT: Yes.

16 BY MS. TAMRAT:

17 Q. Officer Lewis, I'm going to direct
18 your attention to page number two on the
19 exhibit, and the numbers are handwritten on the
20 bottom-right-hand corner. Page two. Is this a
21 picture of you?

A. Yes.

22 Q. For the record?

23 A. Yes. I'm sorry.

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1 Q. Thank you. Number three?

2 A. Yes.

3 Q. And is this a picture that the
4 evidence technician took on the night in
5 question?

6 A. It is.

7 Q. And does this show the injuries around
8 your right-side mouth?

9 A. It does.

10 Q. And your jaw?

11 A. Yes.

12 Q. Page four, is this also a picture
13 taken by the evidence technician?

14 A. It is.

15 Q. And what does it show, the fourth
16 picture?

17 A. Injuries to my neck.

18 Q. Is this as a result of the choking?

19 A. Yes.

20 Q. Officer Lewis, do you need a break?

21 A. Yeah.

(Brief pause.)

22 HEARING OFFICER BATES: Officer Lewis, are
23 you ready to proceed?

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1 THE WITNESS: Yes.

2 HEARING OFFICER BATES: Counsel, proceed.

3 MS. TAMRAT: Can you read the last
4 question, please.

5 (Said record was read
6 back.)

7 BY MS. TAMRAT:

8 Q. Officer Lewis, I'm going to direct
9 your attention to page five.

10 A. Okay. Yes.

11 Q. And is this yet another picture of
12 you?

13 A. It is.

14 Q. And does it show any injuries that you
15 suffered on October 9th of 2008?

16 A. Yeah, my head. There's a mark on my
17 head.

18 Q. I'm sorry?

19 A. There's a mark on my head.

20 Q. And then the next page, page six, is
21 this yet another picture?

22 A. Yes.

23 Q. And does it show a bump on your head?

24 A. It does.

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1 Q. I'm going to direct your attention to
2 page eight. What is this a picture of?

3 A. A candleholder.

4 Q. Is this the candleholder you said was
5 broken that night?

6 A. No.

7 Q. Okay.

8 A. This candleholder was behind the front
9 door. When the door opened -- when he opened
10 the door to leave, the bang and the crash we
11 heard, it was the candleholder, the door
12 hitting the candleholder.

13 Q. Did it get broken as a result of that?

14 A. Yes.

15 Q. I'm sorry, when you said no, did you
16 mean this was not the fire poker, is that what
17 you were thinking?

18 A. No. I didn't think you were
19 referencing the fire poker because it's
20 different than the candleholder.

21 Q. Okay. And page nine, what does this
22 show?

23 A. The broken candleholder and it looks
24 like a little blood on the wall.

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1 Q. Is this the front door?

2 A. That's correct.

3 Q. You testified it had been left open?

4 A. Yes.

5 Q. And then page ten, were you able to
6 tell what this is?

7 A. I'm sorry, I can't.

8 HEARING OFFICER BATES: Counsel, before you
9 move on from page nine, I'm always very careful
10 when there's a transcript, or even a video, and
11 someone's testifying about a document when they
12 describe the document, that that description be
13 accurate. She just testified that this shows
14 the candleholder. In fact, there -- there --
15 what appear to be two objects with candles in
16 this in this photograph. So perhaps you can
17 further question the witness about clarifying
18 what this is so the Board will understand or
19 any reviewing court what she's talking about
20 here.

21 MS. TAMRAT: Thank you.

22 HEARING OFFICER BATES: Page nine of Group
23 Exhibit 2.

24 BY MS. TAMRAT:

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1 Q. So Officer Lewis, on page nine, we do
2 see a candleholder with just a little bit of
3 glass on it, which is to the left of the
4 picture?

5 A. Okay.

6 Q. And to the left. And then to the
7 right there's another candleholder, correct?

8 A. Correct.

9 Q. So the one on the left, is that the
10 one you said was broken as a result of the
11 banging of the door that day?

12 A. The door slamming into it, correct.

13 HEARING OFFICER BATES: Thank you, Counsel.

14 You may proceed.

15 BY MS. TAMRAT:

16 Q. And then you testified also that in
17 this picture you see a little bit of blood on
18 the wall?

19 A. Yes.

20 Q. Are you referring to the left side of
21 the picture?

22 A. I am.

23 Q. Do you have any idea what that is?

24 A. Louise cut her hand when she was

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1 getting up the glass.

2 Q. And this is the glass part of the
3 candleholder?

4 A. Correct.

5 Q. And Louise is the babysitter, I
6 believe?

7 A. Yes, she helped clean up after the
8 incident.

9 Q. Then page 11, can you describe page
10 11, the picture on page 11?

11 A. It looks like my front door. Part of
12 my front door. And only I can identify it
13 because my front door was brown in color. Dark
14 brown.

15 Q. We'll move on to the next page, which
16 is page 12. Do you recognize this -- what's
17 depicted in this picture?

18 A. It looks like my basement foyer area
19 next to the door, backdoor, the basement door.

20 Q. And is this the location where the
21 incident had occurred?

22 A. Yes.

23 Q. And had you taken the evidence
24 technician around the house to show him where

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1 the incident had occurred?

2 **A. I did.**

3 **Q.** And then --

HEARING OFFICER BATES: Keep your voice up,
Officer Lewis.

6 THE WITNESS: Sorry.

7 BY MS. TAMRAT:

8 **Q.** Page 13, what does that show?

9 **A. Again, the basement, like the basement**
10 **foyer area.**

11 **Q.** And page 14?

12 **A. That's definitely the basement foyer**
13 **area.**

14 **Q.** Do these pictures that you went over,
15 except for page -- I think you said you didn't
16 recognize what page ten was. Other than page
17 ten, do these pictures accurately reflect the
18 condition either of yourself or your house on
19 October 9th of 2008?

20 **A. It does.**

21 HEARING OFFICER BATES: Counsel, she didn't
22 testify regarding page ten at all. Maybe that
23 was in your private meeting with her. Just so
24 the record is clear.

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1 MS. TAMRAT: I thought I asked her and she
2 said she didn't recognize what it is. I can
3 ask again.

4 HEARING OFFICER BATES: Move on. You don't
5 need to. Move on.

6 BY MS. TAMRAT:

7 **Q.** I'm going to go ahead and play what
8 has been entered into evidence as
9 Superintendent's Exhibit No. 5-A.

10 Officer Lewis, I'm going to play
11 the audio of the 911 call, and I'm going to ask
12 you questions after we play it.

13 (Playing audiotape.)

14 BY MS. TAMRAT:

15 **Q.** Were you able to hear that?

16 **A. I was.**

17 **Q.** Do you recognize any of the voices on
18 that audio?

19 **A. I do.**

20 **Q.** Who said "little man, what's going
21 on"?

A. Louise.

23 **Q.** And that's the woman you described as
24 a babysitter?

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1 **A. Correct.**

2 **Q.** And who is the child who gives
3 information to the 911 call-taker?

4 **A. Braydon.**

5 **Q.** And that's one of your sons?

6 **A. That's my middle son.**

7 **Q.** I'm going to ask you about your
8 children the night of the incident. You said
9 that you ran upstairs and took your children
10 and went to your bedroom and locked the door,
11 correct?

12 **A. They were already up there.**

13 **Q.** They were up there. Okay. When your
14 children saw you, how did they react?

15 **A. Jonathan was hugging me and Braydon**
16 **was over by Louise and she had the baby and**
17 **hugging Louise. Jonathan was crying and the**
18 **baby was fussy.**

19 **Q.** Did you subsequently reconcile with
20 your husband after this incident?

21 **A. With my ex-husband?**

22 **Q.** I'm sorry. Your ex-husband.

23 **A. I did.**

24 **Q.** Did he say anything to you about
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1 hitting you?

2 **A. Which time?**

3 **Q.** After this particular incident.

4 **A. He says it's my fault. That I make**
5 **him angry. He's never did this before with**
6 **anyone else.**

7 **Q.** Was this -- on October 9th of 2008,
8 was this the first time your ex-husband had hit
9 you?

10 MR. HERBERT: Objection.

11 HEARING OFFICER BATES: I don't think it's
12 relevant.

13 MS. TAMRAT: I would disagree with that.
14 Number one, when Counsel called the two
15 character witnesses in mitigation --

16 HEARING OFFICER BATES: They didn't talk
17 about his propensity for violence.

18 MS. TAMRAT: If I may.

19 HEARING OFFICER BATES: As I recall. If
20 you got the transcript, go ahead. It's been a
21 long time. I'm not going to profess to
22 remember everything that was said.

23 MS. TAMRAT: So this was witness Geraldine
24 Robinson, and she testified on page 68 of the
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1 transcript, line 18. So that's page 68, line
 2 18. "I never saw him put his hands on anyone.
 3 He never got violent. He never got abusive."
 4 This testimony is allowed in mitigation. The
 5 Superintendent certainly should be allowed to
 6 offer what Officer Anderson had done that
 7 is -- put his hands on his ex-wife, how he got
 8 violent with her and how he was abusive with
 9 her. It is directly on point. It is relevant.
 10 He has opened the door with that testimony.
 11 And the Police Board does allow the -- the same
 12 as it allows for mitigation after a finding of
 13 guilt. It also allows for aggravation. It
 14 clearly is in the Police Board rules and I can
 15 cite to the specific rule.

16 HEARING OFFICER BATES: I know what the
 17 rules say. Response, Counsel?

18 MR. HERBERT: I would object and just state
 19 that the mitigation witness offered a general
 20 statement, not specific to this victim. So I
 21 don't think it's proper that she speak about
 22 other incidents because it doesn't in any way
 23 contradict what the character witness testified
 24 to.

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1 HEARING OFFICER BATES: I'm a little bit
 2 concerned about the Illinois Supreme Court, not
 3 that we're strictly bound by the rules, but
 4 they've consistently held that impeachment of a
 5 witness' reputation is not to be used by
 6 specific instances, and that's Rule 608 that I
 7 referred to maybe in another proceeding once
 8 before. And People versus Cookson I believe is
 9 the case, the Illinois Supreme Court
 10 2005 -- I'm going to sustain the objection.
 11 Move on.

12 MS. TAMRAT: If I may. I understand your
 13 ruling, Mr. Bates. When the witness
 14 testified -- when I asked her did Officer
 15 Anderson say anything to you about hitting you
 16 and she answered which time, there was no
 17 objection, so I'm going to argue --

18 HEARING OFFICER BATES: That had nothing to
 19 do with your question. That was her answer.
 20 He could not object anticipating an answer.
 21 Counsel, I've ruled. I've asked you to move
 22 on.

23 MS. TAMRAT: Okay. I can move on.

24 I have nothing further. I'm
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1 sorry. I do have a few questions more.

2 BY MS. TAMRAT:

3 Q. How has this incident affected you and
 4 your children?

5 MR. HERBERT: Objection.

6 HEARING OFFICER BATES: Basis?

7 MR. HERBERT: Relevance.

8 HEARING OFFICER BATES: Response?

9 MS. TAMRAT: This is a case of domestic
 10 violence of a wife with children in the house.

11 Absolutely relevant to ask what is the effect
 12 on the ex-wife and the children in the house.

13 HEARING OFFICER BATES: And the Circuit
 14 Court of Cook County it might be. I don't
 15 think it's relevant here. Sustained. Next
 16 question, Counsel.

17 MS. TAMRAT: I have no further questions.

18 HEARING OFFICER BATES: Cross.

19 MR. FAHY: Thank you.

20 CROSS-EXAMINATION

21 BY MR. FAHY:

22 Q. Ma'am, this incident that you
 23 testified about occurred back in October of
 24 2008, correct?

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1 A. Yes.

2 Q. At that time you were married to
 3 Maurice?

4 A. I was.

5 Q. And this argument and this incident
 6 began in the basement of the home?

7 A. Yes.

8 Q. And that that's after Maurice went
 9 down to the basement by himself, correct?

10 A. Yes. He was already down there, yes.

11 Q. And he was down there with his phone?

12 A. Yes.

13 Q. And when you walked down to the
 14 basement, you were able to see that he was
 15 having some type of phone conversation,
 16 correct?

17 A. Yes.

18 Q. And at that point, that is when you
 19 confronted him about the phone conversation?

20 MS. TAMRAT: Objection to the use of the
 21 word "confront".

22 HEARING OFFICER BATES: Rephrase, Counsel.

23 BY MR. FAHY:

24 Q. Did you say anything to him when you
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1 saw him on the phone?

2 **A. Yes, I did.**

3 **Q.** And at that point you believed he was
4 talking to another woman in your home, correct?

5 **A. Correct.**

6 **Q.** And that, of course, made you angry,
7 right?

8 **A. I wouldn't say angry. I was tired at**
9 **that point. I wouldn't say angry. Just kind**
10 **of --**

11 **Q.** Were you yelling at him?

12 **A. No.**

13 **Q.** What did you say to him?

14 **A. I said, Maurice, something to the**
15 **effect of I know you're not down here on the**
16 **phone in the dark talking to someone else.**
17 **Take your phone, your conversation and your two**
18 **bags and leave my house.**

19 **Q.** And didn't Maurice leave the house
20 shortly after that?

21 **A. After -- yeah, after the incident he**
22 **did.**

23 **Q.** And before he left the house, he did
24 try to speak to you?

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1 **A. After the incident, correct.**

2 **Q.** You told him you didn't want to speak
3 to him?

4 **A. I did.**

5 **Q.** Did you threaten his job?

6 **A. No.**

7 **Q.** Did you tell him he could save it for
8 internal affairs?

9 **A. I told him -- I told him he can talk**
10 **to the police department. I said you can talk**
11 **to the police and to IAD, I did say that.**

12 **Q.** Okay. And IAD is the Internal Affairs
13 Division, correct?

14 **A. Yes.**

15 **Q.** Now, you testified here today about
16 this incident occurring down in the basement,
17 correct?

18 **A. Correct.**

19 **Q.** You testified that Maurice pushed you
20 in the basement?

21 **A. Yeah. Yeah, I guess you can call it a**
22 **push.**

23 **Q.** And you're saying he punched you also?

24 **A. Yes.**

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1 **Q.** And he was choking you?

2 **A. Yes.**

3 **Q.** And he grabbed you by the neck?

4 **A. Yeah, that was the choking.**

5 **Q.** And that all happened down in the
6 basement?

7 **A. Yes.**

8 **Q.** Now, no one else was in the basement
9 when this occurred?

10 **A. I don't know if my son was there. I**
11 **heard his voice very vividly, but I didn't see**
12 **him.**

13 **Q.** Well, do you remember speaking to a
14 Detective Kroll shortly after this incident?

15 **A. No, I don't.**

16 **Q.** Do you remember speaking with a
17 detective from the Chicago Police Department
18 relative to this investigation?

19 **A. Honestly I don't.**

20 **Q.** Do you remember police officers asking
21 you if anyone else witnessed this incident?

22 **A. I don't. Let me -- so that we're on**
23 **the same page, which police officers, the**
24 **officers that were present or are you referring**

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1 **now to the detectives?**

2 **Q.** I'm referring to detectives, Detective
3 Kroll, who also was accompanied by a Sergeant
4 Spellman who interviewed you relative to this
5 investigation shortly after it occurred.

6 **A. I don't. Where was the interview at?**
7 **I don't remember. It was more than one**
8 **incident, so...**

9 **Q.** Do you remember speaking to a police
10 detective relative to this incident?

11 **A. Not specifically I don't. I'm sorry.**

12 **Q.** Do you remember speaking to a police
13 sergeant relative to this incident?

14 **A. I don't.**

15 **Q.** Do you remember that during that same
16 interview a Sergeant Spellman from internal
17 affairs was also present?

18 **A. I don't know -- I remember an aide was**
19 **there. I don't remember who --**

20 **Q.** So you do remember speaking to them
21 relative to this incident?

22 **A. I don't remember -- I remember -- I**
23 **can tell you what I do remember. I remember**
24 **being in a room and I remember having a**

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1 conversation. I don't know who was who or --
2 you know, I know they were from the police
3 department. I don't recall it being an
4 interview. It could have. But that's what I
5 remember.

6 Q. Do you remember during the course of
7 this interview them asking you whether or not
8 anyone in the residence witnessed this
9 incident?

10 MS. TAMRAT: I would object. There's no
11 basis for impeachment.

12 HEARING OFFICER BATES: He is questioning
13 her. I haven't seen an impeachment yet. He is
14 asking -- he is refreshing her -- he is not
15 refreshing, he's testing her recollection, her
16 knowledge. Overruled.

17 THE WITNESS: Okay. I don't...

18 HEARING OFFICER BATES: Answer.

19 THE WITNESS: Can you repeat the question.
20 BY MR. FAHY:

21 Q. Do you remember them asking you if
22 anyone else in the residence at the time this
23 occurred witnessed the incident?

24 A. No, I don't remember them specifically
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1 asking me anything.

2 Q. Okay. Do you remember specifically
3 telling them that nobody in the residence,
4 including the babysitter, Louise Spencer,
5 witnessed the assault, do you remember telling
6 them that?

7 A. I could have. I don't remember.

8 MS. TAMRAT: I would object if that was an
9 attempt to impeach. She didn't say anything
10 that contradicted this statement.

11 HEARING OFFICER BATES: Overruled.
12 BY MR. FAHY:

13 Q. Now, on this very same night, the
14 police did arrive about 15 minutes after
15 Maurice left the home; is that correct?

16 A. They came a short time after. I don't
17 know what the time frame was.

18 Q. And that was a police officer by the
19 name of Moore, M-O-O-R-E, and Yancey,
20 Y-A-N-C-E-Y?

21 A. Yes.

22 Q. And they were police officers from the
23 4th Police District?

24 A. Correct.
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1 Q. And they obviously interviewed you
2 about what had happened at your home, correct?

3 A. Yes.

4 Q. And when you described what happened
5 in the basement, isn't it true you told them
6 that there was a verbal altercation and
7 Mr. Anderson pushed you?

8 MS. TAMRAT: Objection. How is that
9 impeachment?

10 HEARING OFFICER BATES: You keep talking
11 about impeachment. He is not impeaching her.
12 He is asking her what she told them.

13 If she says no and then he
14 impeaches her with the document, that is
15 impeachment.

16 Overruled. Please allow her to
17 answer the question.

18 MS. TAMRAT: If I may, I don't mean to --

19 HEARING OFFICER BATES: Go ahead.

20 MS. TAMRAT: -- talk back. If he is not
21 trying to impeach her, then I would object that
22 that's hearsay.

23 HEARING OFFICER BATES: Overruled.

24 BY MR. FAHY:
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1 Q. Isn't it true that's what you told
2 them happened in the basement?

3 A. Can you repeat the question, sir.

4 Q. When you spoke with Officer Moore and
5 Officer Yancey after they arrived at your home
6 on the evening of October 9th, 2008, they
7 interviewed you relative to what happened in
8 your home, correct?

9 A. Correct.

10 Q. Isn't it true that you told them that
11 what happened was a -- that there was a verbal
12 altercation and Mr. Anderson pushed you? Did
13 you tell them that?

14 A. I don't recall exactly. I told them
15 exactly what happened. I don't --

16 Q. Let me ask you this: After you told
17 them that, did you tell them that you went
18 upstairs in your home?

19 A. I want to answer as truthfully as
20 possible, so I'm going to say this: I told
21 them exactly what happened. As I laid it out
22 here before, before when I was talking to the
23 other attorney. There was a push. He brushed
24 past me to the point where I hit the floor and
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1 **I got up and yelled why did you push me. After**
 2 **the incident, after I was released, after he**
 3 **stopped choking me and I ran upstairs, I did**
 4 **run upstairs. I don't want to just go from it**
 5 **he pushed me and I ran upstairs. We're missing**
 6 **a whole lot of other things in between.**

7 **Q.** Ma'am, let me ask you this: Isn't it
 8 true when Officer Yancey and Officer Moore
 9 spoke to you that evening, you never told them
 10 that Maurice punched you in the basement, did
 11 you?

12 **MS. TAMRAT:** Objection. It says right
 13 here. I have it in front of me.

14 **HEARING OFFICER BATES:** The witness is not
 15 testifying from a statement. He's entitled to
 16 ask her the question. Overruled. He's not
 17 impeaching her. He is asking her a set of
 18 facts that she is either go going to say yes or
 19 no to. Overruled.

20 **MS. TAMRAT:** But that's not my objection.

21 **HEARING OFFICER BATES:** Overruled.

22 **THE WITNESS:** Again, can you repeat the
 23 question.

24 **BY MR. FAHY:**

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1 a fireplace poker?

2 **A. After I heard Maurice coming up the**
 3 **stairs, I did.**

4 **Q.** Can you describe what that is?

5 **A. It sits in front of the fireplace for**
 6 **decoration, and I guess -- I don't know if I'm**
 7 **miswording, maybe it's not a poker. Maybe it's**
 8 **an official word, something else, but it sits**
 9 **in a three-ring thing, it has a brush, a small**
 10 **little shovel and like a sticky thing.**

11 **Q.** Did you grab the stick?

12 **A. I grabbed -- I grabbed the stick. I**
 13 **grabbed the stick.**

14 **Q.** And that's a metal stick?

15 **A. I don't know. It could be plastic.**
 16 **It's for decoration. It's not a real fireplace**
 17 **that I have.**

18 **Q.** Did you then start hitting Maurice
 19 with that fire poker?

20 **A. I closed my eyes and backed up to the**
 21 **fireplace as close as I could and started**
 22 **swinging when I saw him coming at me.**

23 **Q.** When you were swinging that poker at
 24 him, he wasn't fighting back, was he?

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1 **Q.** Isn't it true you never told those
 2 officers that you were punched in the basement?

3 **A. I don't -- isn't it true questions are**
 4 **always a little tricky, so I'm going to say**
 5 **this: I told them exactly what happened.**

6 **Q.** Let me ask you this: Isn't it true
 7 that you never told them that my client Maurice
 8 ever grabbed you by the neck or started choking
 9 you in the basement?

10 **A. Again, attorney, I told them -- I told**
 11 **them exactly what happened.**

12 **Q.** Let me just ask you this and see if we
 13 can clarify this: Isn't it true you told those
 14 officers that there was a verbal dispute in the
 15 basement and that he pushed you and then you
 16 went upstairs?

17 **A. Again, I'm not -- I don't like**
 18 **answering isn't it true questions because**
 19 **sometimes I get -- they're tricky.**

20 **I will say that I told Officer**
 21 **Moore and Officer Yancey exactly what happened**
 22 **which is the reason why they ordered the ET.**

23 **Q.** You testified that when you went
 24 upstairs from the basement you grabbed a poker,
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1 **A. When I realized -- I swung it a couple**
 2 **of times, and I realized he wasn't fighting me,**
 3 **I left the poker go and ran upstairs.**

4 **Q.** When you realized he wasn't fighting
 5 you, you dropped the poker and went upstairs?

6 **A. Ran upstairs.**

7 **Q.** When you got upstairs, you didn't lock
 8 yourself in the door, did you?

9 **A. Yeah, I locked the door.**

10 **Q.** You did?

11 **A. Yeah.**

12 **Q.** Isn't it true that you just went
 13 upstairs to talk to your children?

14 **A. I don't believe so, no. I locked the**
 15 **door.**

16 **Q.** But Maurice did walk up the stairs?

17 **A. Yes.**

18 **Q.** And he was asking to speak to you?

19 **A. He was doing what he always do after**
 20 **he hits me, he was trying to calm me down,**
 21 **asking can he talk to me. And I was on the**
 22 **other side of the door. The door was locked.**

23 **Q.** Do you remember being interviewed by
 24 the Independent Police Review Authority on
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- 1 April 9th, 2009, relative to this incident?
- 2 **A. Vaguely.**
- 3 **Q. Do you remember?**
- 4 **A. Vaguely.**
- 5 **Q. Do you remember being questioned by an**
- 6 **investigator Robert Cozzi from the Independent**
- 7 **Police Review Authority?**
- 8 **A. I remember him. I remember him.**
- 9 **Q. And do you remember after giving a**
- 10 **statement to Investigator Cozzi relative to**
- 11 **this incident reading the statement?**
- 12 **A. Yeah, I'm sure I did. I don't --**
- 13 **Q. Do you remember after reading the**
- 14 **statement signing each page of the statement**
- 15 **after you verified that it was accurately**
- 16 **recorded?**
- 17 **A. I did. I don't remember that's**
- 18 **standard. I don't specifically remember it's**
- 19 **standard that we do that.**
- 20 **Q. And do you remember telling**
- 21 **Investigator Cozzi when you were describing**
- 22 **this incident that I then went upstairs and**
- 23 **talked to my children. He then came up the**
- 24 **stairs and asked if he could talk to me. I**

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- 1 told -- I think I told him that he could
- 2 explain everything to the police and IAD,
- 3 because I had nothing else to say to him. Do
- 4 you remember saying that?
- 5 **A. Yes, I said that, that's correct.**
- 6 **Q. So you never told him that you had to**
- 7 **lock yourself in the room, did you?**
- 8 **A. I locked the door. No. He didn't ask**
- 9 **me specifically that. We were talking through**
- 10 **the door.**
- 11 MR. FAHY: May I have one moment?
- 12 HEARING OFFICER BATES: Yes.
- 13 (Brief pause.)
- 14 MR. FAHY: I have no further questions.
- 15 HEARING OFFICER BATES: That was an attempt
- 16 at impeachment, Counsel, for whatever it's
- 17 worth. Any redirect?
- 18 MS. TAMRAT: Unsuccessful if I might say.
- 19 REDIRECT EXAMINATION
- 20 BY MS. TAMRAT:
- 21 **Q. When the Officer Samantha Moore and**
- 22 **Yancey came to the house and you described to**
- 23 **them what happened, did they ask you to write**
- 24 **anything down for them?**

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- 1 **A. They did not.**
- 2 **Q. So whatever report they wrote, they**
- 3 **wrote?**
- 4 **A. They did.**
- 5 **Q. Using their own words?**
- 6 **A. Yes.**
- 7 **Q. You just described what happened to**
- 8 **them?**
- 9 **A. I did.**
- 10 **Q. Did they show you what they had**
- 11 **written?**
- 12 **A. No, they gave me a victim's incident**
- 13 **notice with the RD number.**
- 14 **Q. But the actual narrative is not**
- 15 **something that they would have given you?**
- 16 **A. No, we don't give those.**
- 17 **Q. And they didn't ask you if they had**
- 18 **actually summarized everything correctly?**
- 19 **A. No, I never saw what they summarized.**
- 20 **Q. And then you were also asked about**
- 21 **being interviewed by other -- detective or**
- 22 **sergeant?**
- 23 **A. Yes.**
- 24 **Q. And you said you remember talking to**

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- 1 people?
- 2 **A. I know they were from the police**
- 3 **department, I can't remember their rank or**
- 4 **their names or who it was.**
- 5 **Q. Okay. And also when they were**
- 6 **interviewing you, did they ask you to sign**
- 7 **anything?**
- 8 **A. I don't recall. I don't think so.**
- 9 **Q. You were questioned by counsel about**
- 10 **whether anyone had witnessed the actual**
- 11 **hitting?**
- 12 **A. Correct.**
- 13 **Q. And is it your testimony that you're**
- 14 **not sure if your sons saw anything; is that**
- 15 **right?**
- 16 **A. That's correct. I heard him vividly.**
- 17 **I didn't see him again.**
- 18 **Q. Okay.**
- 19 MS. TAMRAT: I have nothing further.
- 20 MR. FAHY: I have nothing based on that.
- 21 HEARING OFFICER BATES: Officer Lewis,
- 22 thank you for coming in. I'd ask you to stay
- 23 seated until he disconnects your microphone.
- 24 (Brief pause.)

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1 HEARING OFFICER BATES: Does the
 2 Superintendent rest?
 3 MS. TAMRAT: Yes.
 HEARING OFFICER BATES: Reopen your case.
 I presume you're going to recall Officer
 6 Anderson?
 7 MR. HERBERT: I am.
 8 MS. TAMRAT: I just want to confirm I do
 9 have all my exhibits, I think, entered.
 10 HEARING OFFICER BATES: All the exhibits
 11 have been received into evidence. I double
 12 checked the transcript before we started today.
 13 MS. TAMRAT: Thank you.
 14 HEARING OFFICER BATES: Hearing Officer
 15 Exhibit 1 is the complimentary and disciplinary
 16 records, and Superintendent's Exhibits 1, Group
 17 2, Group 3, I want to say 4 and Group 5. Group
 18 4 and Group 5 have been received into evidence.
 19 MS. TAMRAT: Thank you.
 20 HEARING OFFICER BATES: I think they were
 21 stipulated to by counsel.
 22 MR. HERBERT: They were.
 23 MS. TAMRAT: Yes.
 24 HEARING OFFICER BATES: Officer Anderson,
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1 I'm going to remind you you are still under
 2 oath.
 3 THE WITNESS: Okay.
 4 (Witness was duly
 5 sworn.)
 6 MAURICE ANDERSON,
 7 called as a witness herein, after having been
 8 previously duly sworn, was examined and
 9 testified as follows:
 10 DIRECT EXAMINATION
 11 BY MR. HERBERT:
 12 Q. Good afternoon. Please introduce
 13 yourself, spell your first and last name.
 14 A. Maurice Anderson. M-A-U-R-I-C-E.
 15 A-N-D-E-R-S-O-N.
 16 Q. And, Mr. Anderson, how old are you?
 17 A. 49.
 18 Q. And are you currently married or
 19 single?
 20 A. Single.
 21 Q. Do you have any children?
 22 A. I do.
 23 Q. How many kids do you have?
 24 A. A daughter, one.
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1 Q. And how old is she?
 2 A. She is 11.
 3 Q. Okay. And how long have you -- you're
 4 currently employed as a Chicago police officer;
 5 is that correct?
 6 A. Yes.
 7 Q. And how long have you been a police
 8 officer?
 9 A. 17 years.
 10 Q. And can you give a brief description
 11 of your career on the Chicago Police
 12 Department?
 13 A. I've worked patrol mostly, so I worked
 14 in the 22nd District, and from there I went to
 15 4th District in patrol division. Then I
 16 transferred to the 11th District where I worked
 17 on the tactical team for four and a half years.
 18 Since then I've worked on gun teams, I've
 19 worked in the detective division, transferred
 20 to the 6th District, and I'm currently assigned
 21 to the 3rd District.
 22 Q. Okay. Prior to starting work for the
 23 Chicago Police Department, how were you
 24 employed?
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1 A. I was a caseworker.
 2 Q. And for whom did you work?
 3 A. Chicago Youth Centers Youth Welfare
 4 Services.
 5 Q. Where is that located or where was
 6 that located?
 7 A. Then that office was at 10 West 35th
 8 Street in the IIT administrative building.
 9 Q. How long did you work there
 10 approximately?
 11 A. Four years, I think.
 12 Q. Okay. And what types of job
 13 assignments did you have?
 14 A. Mostly -- primarily our unit dealt
 15 with troubled kids, kids who were having
 16 problems in school, behavior problems,
 17 runaways, true aunts mostly.
 18 Q. And were you ever disciplined while
 19 working there?
 20 A. Was I disciplined?
 21 Q. Yes.
 22 A. No.
 23 Q. For any work infractions?
 24 A. No, no.
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1 Q. Where did you grow up, what
2 neighborhood?

3 A. In Gresham.

4 Q. And did you go to high school in that
5 neighborhood?

6 A. I went to the high school at CVS.

7 Q. Did you graduate from CVS?

8 A. Yes.

9 Q. What year did you graduate?

10 A. 1983.

11 Q. And after graduating from high school
12 did you continue your education?

13 A. I did.

14 Q. Where at?

15 A. Southern Illinois University
16 Carbondale.

17 Q. And did you receive your degree?

18 A. Yes.

19 Q. And what did you obtain your degree
20 in?

21 A. In administration of justice, law
22 enforcement.

23 Q. And was that in 1989?

24 A. Yes.

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1 Q. Aside from the work that you spoke of,
2 did you have any other employment?

3 A. Worked for the post office.

4 Q. How long did you work -- that's the
5 United States Post Office?

6 A. Yes. I was off and on maybe three
7 years.

8 Q. Okay.

9 MR. HERBERT: I have no further questions.

10 MS. TAMRAT: I have no further questions
11 either.

12 HEARING OFFICER BATES: Thank you, Officer.
13 Don't forget to unclip yourself.

14 THE WITNESS: All right.

15 (Witness excused.)

16 HEARING OFFICER BATES: Any other
17 witnesses, Counsel?

18 MR. HERBERT: No other witnesses. The only
19 exhibit we had was the hearing officer exhibit,
20 the complimentary and disciplinary history.
21 With that we rest.

22 HEARING OFFICER BATES: Go into closing
23 arguments or do you have a rebuttal?

24 MS. TAMRAT: I don't have rebuttal.

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1 MR. HERBERT: We request a two-minute break
2 before closing.

3 HEARING OFFICER BATES: I was going to ask
4 would it be your preference to have lunch now
5 or to just take a quick break and then close?

6 MS. TAMRAT: Quick break.

7 HEARING OFFICER BATES: We'll stand in
8 recess for ten minutes.

9 (Recess.)

10 HEARING OFFICER BATES: Let's proceed with
11 closing arguments. Counsel.

12 MS. TAMRAT: Good afternoon, Mr. Bates,
13 opposing counsel, Mr. Herbert, honorable
14 members of the Police Board: The City, the
15 Superintendent specifically, has proven by
16 preponderance of the evidence the charges
17 against Officer Anderson.

18 This case is pretty
19 straightforward. There are two issues. Two
20 main issues in this case. Number one, did he
21 hit her as charged, and number two, did he lie
22 about hitting her when he was interviewed by
23 IPRA. Those are the two main issues.

24 There's a third issue, which is
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1 does the recommended penalty -- is the
2 recommended penalty appropriate in this case
3 which is the 45-day suspension. I think that's
4 the easier one.

5 Actually, all the issues are very
6 easy to determine based on the overwhelming
7 evidence that was presented at this hearing.

8 So question number one, did he
9 hit her? There's overwhelming evidence
10 presented that, yes, Officer Anderson did hit
11 his ex-wife as charged in the charges and
12 specifications.

13 We heard from Officer Lewis
14 herself today, and the Board will be able to
15 determine her credibility as she testified.
16 She remembers exactly what happened to her.
17 She had had the police called to the scene.
18 And so we have pictures of the injuries that
19 she sustained. And we also had the testimony
20 of Officer Samantha Moore who responded to the
21 scene and was able to observe the injuries that
22 Officer Lewis had sustained.

23 So we have the testimony of
24 Officer Lewis. We have the testimony of

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1 Officer Moore. We have the pictures taken by
2 the evidence technician and we have the 911
3 call. So did it happen? It absolutely did
4 happen. We did prove by preponderance of the
5 evidence.

6 In fact, if this were a criminal
7 case, we had sustained the burden for the
8 criminal case as well. It is overwhelming
9 evidence on the record.

10 So the next question is, because
11 he's charged with Rule 1, which is domestic
12 battery, and he's also charged with the same
13 conduct violating Rule 8 and Rule 9,
14 disrespect, maltreatment, unjustified physical
15 altercation. But in addition we have a Rule
16 14. So when he was questioned IPRA whether or
17 not he hit her, what did he say? He
18 unequivocally categorically denied that he had
19 any physical contact with Officer Lewis that
20 day.

21 So based on the overwhelming
22 evidence that he did, in fact, hit her as
23 alleged, he lied. He provided statements on
24 three different occasions, and all the

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1 statements have been entered into evidence. He
2 was asked on May 7th of 2009. He denied it.
3 He was asked on April 14th, 2010, he denied it
4 again. He was asked on April 26th, 2010, he
5 denied it again.

6 Three separate interviews with
7 IPRA. Each time he categorically denied that
8 he denied her to fall to the floor, that he
9 pushed her. He denied he punched her. He
10 denied he grabbed her neck or choked her. He
11 denied having any physical contact with his
12 wife on that particular day. And so that's the
13 case. Pretty straightforward and we have
14 proven it.

15 The third issue is in cases once
16 you prove that the conduct occurred, what about
17 the recommended penalty.

18 In this case, the recommended
19 penalty happens to be a 45-day suspension. So
20 clearly the -- Mr. Bates and the members,
21 honorable members of the Police Board, would
22 understand that based on the egregious nature
23 of the conduct, a 45-day suspension is more
24 than justified.

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1 Officer Anderson abused his wife
2 when there were three young children in the
3 house. A nine-year old, a six-year old and a
4 two-year old were in the house and heard their
5 mother screaming.

6 Officer Lewis had to yell to her
7 son, to her nine-year old son, to call the
8 police. And the son, nine-year-old son, had to
9 scream "don't hurt my mommy" or something to
10 that effect.

11 He caused not only a traumatic
12 experience for Officer Lewis, but a traumatic
13 experience for these young children in the
14 house. So absolutely a 45-day suspension is
15 more than justified for this conduct.

16 Based on this, the Superintendent
17 would respectfully request that Officer
18 Anderson be found guilty and be issued the
19 penalty requested. Thank you.

20 HEARING OFFICER BATES: Thank you.

21 MR. HERBERT: Thank you. Opposing Counsel,
22 Mr. Hearing Officer, ladies and gentlemen of
23 the Board: What we have here is essentially
24 two different stories. One of the stories has

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1 to be incorrect. There's certainly the chance
2 that different versions of each of their
3 stories are incorrect on some matters and that
4 can be explained by a number of factors, not
5 the least of which is the cause of the length
6 of time that has lingered since this case began
7 until when it has come to hearing before the
8 Board. And I made numerous pre-trial motions,
9 and I'm not going to reargue those, but I would
10 ask the Board to take note of those, and I
11 believe that the Board does not even need to
12 rule on the merits of this case because the
13 charges should be dismissed for the arguments
14 outlined in the pre-trial motion.

15 However, with respect to the
16 merits of this case, what we have here is
17 essentially a he said versus she said case.
18 Not unusual in a domestic case. Not unusual in
19 a criminal case or domestic cases that are
20 brought before an administrative agency here.

21 Often times when there is a
22 domestic incident, both parties share some
23 guilt, and the common phrase that somewhere in
24 the middle between the stories is most likely

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1 what happened.

2 As far as what happened in this
3 case, none of us know. Not myself, not
4 opposing counsel, not Mr. Hearing Officer, and
5 certainly not the ladies and gentlemen of the
6 Board. However, the Board is responsible for
7 making a decision in this case. And the Board
8 has to determine which version of the stories
9 is more correct. And essentially it is -- one
10 has to be chosen over the other.

11 There's really no corroboration
12 evidence in this case other than the
13 testimonies of the two individuals involved in
14 this case.

15 So what the Board needs to
16 conclude is who's telling the more likely
17 version of events to determine whether or not
18 charges should be sustained.

19 Important to note here is the
20 burden in this case. It's not a criminal case,
21 but, of course, the City bears the burden to
22 prove that Ms. Lewis' testimony was more
23 believable than Mr. Anderson's.

24 And I would submit for a number
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1 of reasons, which I'll get into, the Board will
2 not be able to come to that conclusion.

3 As far as our case goes,
4 Mr. Anderson testified. Did we prove beyond a
5 reasonable doubt or even beyond a -- by a
6 preponderance that Mr. Anderson was not guilty
7 of all these charges? Probably not. But,
8 again, we don't need to prove anything here.
9 It's the case that the City needs to prove, and
10 they need to do that through their witness, Ms.
11 Lewis. So what needs to be looked at is the
12 two stories and which stories were impeached.

13 With regard to
14 Mr. Lewis -- Mr. Anderson, with regard to
15 Maurice Anderson, there is no impeachment from
16 his story.

17 He testified that this is what
18 happened, and when he was given -- when he gave
19 statements on three different occasions, it was
20 exactly the same story, the same as what he
21 testified to.

22 Ms. Lewis on the other hand, her
23 testimony was impeached. The only thing that
24 is really undisputed in this case are several

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1 factors.

2 And those factors lean toward the
3 believability of one person's story and the
4 impeachment of some person's story.

5 What is uncontested here is that
6 Ms. Lewis caused and was responsible solely for
7 this confrontation. It's uncontested Maurice
8 Anderson was in the basement of the house, in
9 the dark, talking on the telephone. Not
10 involved in a confrontation at all. Not until
11 Ms. Lewis came down who was upset because she
12 believed Maurice was speaking with another
13 woman. She confronted Maurice. She was angry
14 about the situation. She told him pack your
15 bags and get out of my house. A situation
16 that's probably not uncommon with a marriage
17 that was on the rocks such as Maurice
18 Anderson's and Sharita Lewis' marriage at the
19 time.

20 What does Maurice Anderson do
21 based upon being confronted with erroneous
22 accusations? He does not confront her. He
23 complies and says, you know what, I'm getting
24 out of here. So he goes to leave the house.

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1 And at that point the version of the events,
2 really we have two different versions of the
3 events. But those are the facts that are
4 undisputed leading to this alleged
5 confrontation.

6 So we need to look at the further
7 impeachments to determine what really happened
8 here.

9 Well, Ms. Lewis was impeached on
10 a couple of pretty significant points. And I
11 think the biggest one was the location of the
12 incident.

13 Ms. Lewis talked about how this
14 punching and choking, that took place in the
15 basement. And prior to getting to that, the
16 other point that is not in dispute is -- the
17 only physical abuse that is not in dispute is
18 Ms. Lewis' attack on Mr. Anderson with a fire
19 poker, which we all know what that is, it is a
20 metal poker, quite heavy with a sharp end, and
21 certainly that shows the mind-set that Ms.
22 Lewis was in and it's a mind-set consistent
23 with somebody that went down to confront her
24 husband because she thought he was cheating on

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1 her again.

2 But with regard to the
3 impeachment, the location of the incident
4 is -- was a significant impeachment in this
5 case.

6 Ms. Anderson talked about this
7 entire incident. She said how it all happened
8 in the basement. But that is inconsistent with
9 what she has said earlier. And how do we know
10 this? Well, we know it because she was asked
11 about statements she gave to police officers
12 right after the incident. And counsel for the
13 Superintendent pretty much conceded that the
14 information she provided to the police was
15 inconsistent with her testimony

16 MS. TAMRAT: Objection. There was no
17 concession about what -- there being an
18 impeachment. I know it's closing argument.
19 But that's inaccurate.

20 HEARING OFFICER BATES: Continue.
21 Overruled. It's closing. I think it's --

22 MR. HERBERT: Closing, Counsel, you
23 remember there was a number of questions where
24 she talked to Ms. Lewis about the information

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1 provided in the narrative. She said, well, you
2 never sat down with the police when they wrote
3 this narrative, correct? And you never saw the
4 narrative that they wrote afterwards, correct?
5 Well, why were those questions asked and why
6 were those answers given? Because the report
7 said something completely different than what
8 she testified to. And Counsel acknowledged
9 that. And is that a significant point? It is.
10 It is, because this whole case hinges on
11 credibility.

12 And I would admit that it's not
13 an impeachment that completely renders the case
14 a not guilty or renders it untrue, but this is
15 a case where it's even. It's he said/she said.
16 And any dents in one person's testimony or
17 impeachments to their credibility, those
18 factors have to be weighed in versus and
19 compared to impeachments versus the person on
20 the other side. And again, it's a he said/she
21 said. So it's a very significant point.

22 Another point that we -- we know
23 Ms. Lewis talked about this incident happening
24 upstairs. And we can certainly see that from
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1 the photos that have been entered into
2 evidence. You know, she presents -- she has
3 the evidence technician obtain a photo of what
4 appears to be a blood smudge by the front door
5 of the first floor of the residence.

6 Well, it came out today that, oh,
7 well, that wasn't blood from me, that was from
8 my babysitter who cut her finger when she was
9 picking up the glass. That doesn't make sense.

10 What happened is she told the
11 police that this incident happened, she showed
12 all her scratches and various bumps, which I
13 would submit that these pictures certainly do
14 not depict injuries that are consistent with
15 her testimony.

16 But more so to the point is she
17 clearly indicated that this incident happened
18 upstairs, and that's why there was at least
19 three different photos taken of this blood
20 smudge, because she told the police, yeah, this
21 is from me. Otherwise, why else do we have
22 pictures of the babysitter's blood.

23 It makes no difference. Who
24 cares if the babysitter cut her finger, picking
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1 up glass or picking up -- you know, taking
2 stuff out to the garage. It's not relevant to
3 this case.

4 It was relevant at the time
5 because unfortunately what happened here in a
6 very heated and unfortunately a bad marriage is
7 individuals wanted to see people get hurt.

8 And there's no doubt there was an
9 argument, but Ms. Anderson that night, she was
10 angry for an unjustified reason. When I say
11 unjustified, there's certainly no evidence that
12 he was talking to another woman. But she
13 clearly thought that he was. She threatened
14 him with discipline in his job. She struck him
15 with a poker. She told the police a
16 significantly different story. And I'm sure
17 she is a very nice woman. I have no reason to
18 believe she isn't. But I think the Board
19 recognizes that sometimes domestics bring out
20 the worst in people and sometimes people act
21 inconsistent with how they normally act.

22 But in closing, again, these are
23 two separate stories and there has to
24 be -- there has to be a weighing of these
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1 stories, and it has to be based upon the
2 evidence in this case. And I would submit
3 there's been no impeachment to Mr. Anderson's
story, but there has been impeachment to Ms.
Lewis' story.

6 And then when you factor in the
7 history of my client, Mr. Anderson, again, that
8 goes to support his version of the events. He
9 has no discipline despite Ms. Lewis saying
10 that, you know, there was multiple incidents
11 where she complained about him. Well, guess
12 what, nobody believed her the other times
13 apparently --

14 MS. TAMRAT: Objection.

15 HEARING OFFICER BATES: Move on, Counsel.

16 MR. HERBERT: Okay. That the burden here
17 simply can't be met based on the facts in this
18 case. And I would ask the Board to find him
19 not guilty and let him get on with serving the
20 police. His honorable mention and his career
21 awards are extremely significant. And those
22 are in evidence. He has 108 awards in a
23 relatively short period of time with no
24 discipline.

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1 I think the benefit of the doubt
2 has to be given to Mr. Anderson in this case
3 based upon all the factors here. Thank you.

4 HEARING OFFICER BATES: Anything else?

5 MS. TAMRAT: Yes, briefly. It's your
6 fault, you make me angry. I'm not violent
7 towards anybody else. Your fault. You make me
8 angry. That's what Officer Anderson said to
9 his wife. It's her fault because she makes him
10 angry. That's the justification for him
11 hitting her.

12 Now, Counsel is basically making
13 the same argument. It's her fault. Because
14 she is the one who went to him and told him
15 take your conversation and get out of my house.
16 Let's go ahead and blame the victim in a
17 domestic violence case. Typical. It's her
18 fault because she is the one who told him get
19 out of her house. So whatever beating she got,
20 she deserved. But that's not what the evidence
21 shows.

22 Officer Anderson completely
23 denies that anything happened, that's what he
24 said then and that's what he says now. So

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1 obviously there can be no impeachment because
2 he didn't give a statement about what happened.
3 He categorically denied it.

4 Was she impeached, really? Where
5 is the document that shows that she provided
6 inconsistent statements? I don't see any
7 document in evidence. Was it proven up?
8 Absolutely not. She never said -- she never
9 conceded --

10 HEARING OFFICER BATES: So then you do
11 understand my ruling on the impeachment
12 argument. I'm sorry. I couldn't help myself.
13 Go ahead.

14 MS. TAMRAT: She never -- let alone the
15 attorney making the concession, she never
16 conceded that she told any of the officers that
17 the punching happened upstairs. She never said
18 that. She said over and over again with
19 admirable calmness that I told them what
20 happened. I told them exactly what happened.
21 And they wrote it out. What did they write
22 out? Even what they wrote out wasn't in
23 evidence. She never said that was what she
24 told them. So there's absolutely no

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1 impeachment. And this just shows that there's
2 no defense in this case, Mr. Bates, and
3 honorable members of the Police Board. There
4 is no defense. The evidence is overwhelming.
5 There is no defense.

6 So let's not blame the victim.
7 It happened. So accept what you did and accept
8 the consequences. It happened. So she was not
9 impeached in any way. And the argument that
10 she actual -- she is the one who attacked him
11 with a fire poker. She attacked him. But
12 unfortunately that argument doesn't help
13 Officer Anderson because he denied it. He
14 didn't even concede that she had tried to
15 defend herself and that she had been swinging
16 at him and she was trying to defend herself.

17 No. According to his version,
18 absolutely no physical contact occurred. It
19 was just verbal. So are we to believe that she
20 punched herself? So what are these documents,
21 City's group Exhibit No. 2? Did she punch
22 herself in the jaw and on the head. Does she
23 injure herself and then call the evidence
24 technician to take pictures of her injuring

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1 herself? And then the blood stain. She never
2 testified that that was her blood. She said
3 that came from the babysitter who was cleaning
up the mess. Okay. So attempting to argue
that that is evidence that -- she bled upstairs
so she must have been -- he must have hit her
and that was her blood. It's completely
inconsistent with the version that he didn't
hit her.

10 The argument Counsel is making is
11 that, oh, today we hear that blood actually
12 came from the babysitter. But, no, Counsel's
13 trying to argue that the beating must have
14 occurred or the incident must have occurred
15 upstairs --

16 HEARING OFFICER BATES: No, Counsel. This
17 is your rebuttal case, but I think you
18 completely misunderstood his argument. His
19 argument is that she called an evidence
20 technician and showed an evidence technician
21 blood that she knew wasn't hers because she was
22 trying to trump up charges against him.

23 I think that's a fair assessment
24 of what he was trying to argue. I think you
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1 missed that point.

2 MS. TAMRAT: I missed that point. If that
3 is the argument, then obviously she testified
4 today -- she wasn't cross-examined about the
5 blood. She is the one who said that came from
6 the babysitter.

7 HEARING OFFICER BATES: Right.

8 MS. TAMRAT: So that argument doesn't go
9 anywhere. Based on the actual evidence
10 presented at the Police Board, we have proven
11 our case. Thank you.

12 HEARING OFFICER BATES: Okay. Very good
13 job by both counsel. And we will stand
14 adjourned.

16 (WHEREUPON, the proceedings were
17 adjourned at 1:00 p.m.)
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1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF COOK)

4 MAUREEN A. WOODMAN, C.S.R., being first
5 duly sworn, says that she is a court reporter
6 doing business in the City of Chicago; that she
7 reported in shorthand the proceedings had at
8 the hearing of said cause; that the foregoing
9 is a true and correct transcript of her
10 shorthand notes, so taken as aforesaid, and
11 contains all the proceedings of said hearing.
12

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16 MAUREEN A. WOODMAN, CSR
17 License No. 084.002740
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